

EASTERN BAND OF CHEROKEE INDIANS  
TRIBAL EMPLOYMENT RIGHTS OFFICE

# REQUEST FOR PROPOSALS

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OSHA Trainer

RFP #: EBCI-TERO-02-2022



June 3, 2022

## PROJECT OVERVIEW

The Eastern Band of Cherokee Indians (EBCI) Tribal Employment Rights Office (TERO) seeks an Occupational Safety and Health Administration (OSHA) Trainer to provide OSHA and flagging courses.

## REQUEST FOR PROPOSALS

This request seeks proposals from certified OSHA trainer. Preference will be given to qualified Indians certified to provide training in OSHA 30 training for the construction industry, including flagging, curricula.

## INTRODUCTION

The Eastern Band of Cherokee Indians (the "EBCI") is a sovereign federally recognized American Indian Tribe located in western North Carolina. The Tribal Employment Rights Office is an entity of the Eastern Band of Cherokee Indians that enforces the Tribal Business Preference Ordinance requiring all employers engaged in operating a business on the Qualla Boundary to give preference qualified Indians in all aspects of employment, contracting and other business activities.

## RFP COORDINATION

The point of contact for this RFP shall be: the EBCI Tribal Employment Rights Office (TERO) as indicated.

TERO Director: Terri Henry  
Email: [terrhenr@ebci-nsn.gov](mailto:terrhenr@ebci-nsn.gov)  
Phone (office): 828.359.6540  
Phone (cell): 828.788.3430  
Mailing Address: EBCI TERO  
Attn: Terri Henry, Director  
PO Box 1839  
Cherokee, NC 28719  
Physical Address: EBCI TERO  
Attn: Terri Henry, Director  
756 Aquoni Rd  
Cherokee, NC 28719

## RFP NUMBER

TERO has assigned the following identification number to this RFP: **EBCI-TERO-02-2022**. The number and the project name should be referenced in all communication regarding this RFP or subsequent addenda. **Project Name: OSHA Trainer**

## PROPOSED RFP SCHEDULE

06/03/2022	Issue RFP.	EBCI TERO via Cherokee One Feather publication and TERO website.
06/20/2022	Meetings to ask questions or address concerns, by appointment only.	EBCI TERO Office 756 Aquoni Rd

		Cherokee, NC 28719
07/08/2022	Proposal Submission Deadline at 4:00 PM EDT.	EBCI TERO Office 756 Aquoni Rd Cherokee, NC 28719
TBD	Review of Proposals.	EBCI TERO Office 756 Aquoni Rd Cherokee, NC 28719
Week of 07/11/2022	Proposal reviews and ranking. Interviews with highest contending consultants, if necessary.	EBCI TERO Office 756 Aquoni Rd Cherokee, NC 28719
Week of 7/18/2022	Notice of intent to Award, Contract Negotiations, if necessary.	EBCI TERO Office 756 Aquoni Rd Cherokee, NC 28719

**RFP AMENDMENT AND CANCELLATION**

The EBCI TERO may to amend, reissue, or cancel this solicitation at its sole discretion.

If an amendment is deemed necessary, a written notice will be provided to all firms that have expressed a written interest in this project. Proposing firms shall respond to the final written RFP and any exhibits, attachments, and amendments. Submitting firms must acknowledge receipt of all addenda in the cover letter.

**SCOPE OF WORK**

The Tribal Employment Rights Office has identified a need for training of tribal citizens to receive training in various areas. One such area is OSHA and flagging courses. TERO is seeking a certified OSHA Trainer to provide training in OSHA 30 training for the construction industry, including flagging. This training would be offered once a quarter, schedule to be developed with TERO, to students between 16 years and up.

The trainer will provide a schedule of classes and a training curriculum for each of the subject matter classes. The training will be conducted at the TERO Technical Training Institute (3TI) located at 149 Children’s Home Loop (Former CBC Printing) in Cherokee, North Carolina.

In addition to the training, trainer will also provide quarterly progress reports that will include a project schedule and brief narrative of work in progress and completed.

**CAPABILITIES AND REQUIREMENTS**

The OSHA Trainer must demonstrate education and experience in OSHA and Flagging. Candidate must demonstrate their qualifications with a combination of education, years of experience and other specialized OSHA certificates, if any.

**PROPOSALS AND SELECTION**

**The Selection/Procurement Process**

The following is a general description of the process by which a trainer will be selected to provide services.

- ◆ RFPs will be issued to prospective firms and by advertisement to the public.
- ◆ Proposals received from each proposing consultant. The proposal shall be signed and dated by an official that is authorized or has power of attorney to bind the proposing consultant.
- ◆ Unsigned proposals or those that lack any portion of the required review criteria may not be considered.
- ◆ Incomplete proposals may not be considered. The EBCI reserves the right to consider proposals that have minor deficiencies or inconsistencies.
- ◆ All proposals must be received by the Tribal Employment Rights Office Director no later than the date and time specified in the “RFP Schedule.” Proposals may be submitted in one of three (3) ways: (1) by email addressed to the Tribal Employment Rights Office Director at the address stated in the RFP Coordination section above; (2) by USPS at the mailing address stated above; or, (3) by dropping off the proposal to the TERO Office at the physical address stated above. It is the sole responsibility of the proposing consultant to insure delivery of their proposal.
- ◆ Proposals must contain the information listed in the proposal format section of this RFP.
- ◆ Interviews with finalists may be conducted if deemed necessary by the reviewing committee.
- ◆ Notice of Award: The Tribal Employment Rights Office will notify finalists in writing of the final award.
- ◆ The Eastern Band of Cherokee Indians Tribal Employment Rights Office reserves the unqualified right to reject any or all proposals when such rejection is deemed to be in the best interest of the Tribe.
- ◆ Only questions submitted in writing or discussed in the question-and-answer session(s) will be addressed in Addenda to this RFP; verbal questions and responses are not official and in no way change the requirements of this RFP.
- ◆ Indian Preference will be observed in accordance with TERO regulations.

### **Proposal Format**

Each firm shall present their proposal to the EBCI Tribal Employment Rights Office Director on or before the date of proposal submission deadline noted in this RFP.

Note that firewalls and security software have been known to block delivery of electronic files within the EBCI network. It is the proposing consultant’s responsibility to ensure that the proposal has been received by the EBCI Tribal Employment Rights Office Director before the specified date and time. You may include a “Read Receipt” with your email.

If consultant prefers to submit a paper copy, please submit one (1) complete unbound sealed reproducible original proposal and related materials. Completed proposals are due to the TERO Office by 4:00 PM on Friday, July 8<sup>th</sup>, 2022.

### **THE RESPONSE TO THE RFP SHALL CONSIST OF THE FOLLOWING:**

- ◆ Cover letter expressing the trainer’s interest in the project, acknowledgement of any addenda or amendments issued, the primary point of contact for the consultant and a general description of the consultant’s previous experience, the anticipated timeline for the project, and approach to completion of the project
- ◆ A statement of understanding regarding the use of TERO sub-contractors and TERO regulations.
- ◆ Body of the Proposal that builds an approach to achieving the goal of the project and timeline for deliverables.

- ◆ Credentials of trainer.
- ◆ Anticipated costs for professional services and deliverables showing industry-standard details.

#### **RFP REVIEW CRITERIA:**

Each proposal will be scored by a committee of reviewers based upon the weight factors of each topic.

- ◆ Experience providing OSHA and Flagging training to individuals, with examples of dates that previous training has been provided (25%)
- ◆ Experience developing the training curricula for OSHA 10 & 30, and Flagging (25%)
- ◆ Consultant experience, education, credentials (20%)
- ◆ Reasonable cost of project and products created (20%)
- ◆ Proximity to the EBCI of trainer that will play an active role in the project (5%)
- ◆ Indian Preference (5%)

### **FINAL AGREEMENT**

After the final selection, the EBCI and the selected firm will enter into a mutually satisfactory agreement within 30 days or the EBCI TERO shall have the right to negotiate with other firms. Upon submission of the Request for Proposal, the materials contained there within shall become property of the EBCI and may be used when and where EBCI officials deem necessary.

### **CONTRACT DEVELOPMENT**

#### **General**

Upon execution of the contract, a copy of this RFP will be attached to the contract and all conditions of this RFP will become conditions of the contract unless specific terms of the RFP are deleted by other terms of the contract.

#### **Contract Price**

The cost of professional services provided within this contract and their timeline shall be negotiated once the most suitable firm or consultant, in the opinion of the proposal raters, has been selected.

A fee schedule for professional services, labor, equipment, travel, and materials shall be negotiated with the firm selected and included in the contract. The cost of services provided will be derived from the scope of services and the rates approved in the fee schedule. The rates established shall be in effect for the duration of the agreement.

If negotiations do not result in an acceptable work product at a cost within the proposed budget, then the Natural Resources Department will terminate negotiations with that firm and commence negotiations with the second most qualified firm and so on until agreement can be reached as to cost and work product.

#### **Contract Document**

The EBCI Independent Contractor Agreement will be used as the basis for contractual conditions. The document will act as the binding conditions for completion of the work undertaken. General conditions of the contract, period of performance, total “not to exceed” cost, and the contractor's scope of work will be incorporated into the contract. Various other documents such as this RFP (or portions thereof), the contractor's proposal, schedules and costs may be included or incorporated by reference.

Prior to entering into a contract with the EBCI the proposing firm will be required to present:

- ◆ Proof of general liability insurance with coverage extended to the EBCI for the duration of the project period. Coverage amount must be \$1,000,000.00 or more.
- ◆ Proof of professional liability insurance (commonly referred to as “errors and omissions”) coverage of \$1,000,000.00 or more.
- ◆ Current EBCI business or traders license.
- ◆ Tax identification number (W-9 form).
- ◆ Proof that the firm has no past due debt or financial obligations to the EBCI.

### **Financial Stability**

If requested, prior to contract negotiations and award, the selected firm may be required to furnish appropriate documentation to substantiate the financial stability of the firm to undertake this project. The firm and/or its principal administrators/managers/owner(s) will be subject to a background investigation for criminal or civil violations. The Contractor (if applicable) will be subject to an investigation of judgments or pending civil and criminal activity. A credit report may be requested. The Contractor will be required to hold appropriate automobile, workers compensation, and \$1,000,000.00 liability insurance. The Tribe will not contract without proof of the aforementioned insurance.

## **PROPOSAL CONTACT**

For any additional information about this Request for Proposals, please contact:

Terri Henry, Director  
Tribal Employment Rights Office  
Eastern Band of Cherokee Indians  
PO Box 1839  
756 Aquoni Rd  
Cherokee, NC 28719  
Phone: 828.359.6540  
Email: [terrhenr@ebci-nsn.gov](mailto:terrhenr@ebci-nsn.gov)

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